

Exhibit 2 – Golaub Deposition

MICHAEL AERTS vs TRYSTAR ENTERPRISES, LLC
Aaron Golaub on 11/14/2023

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF GEORGIA
3 ATLANTA DIVISION
4 MICHAEL AERTS,)
5)
6 Plaintiff,)
7)
8 v.)
9) Civil Action
10) No.
11) 1:23-cv-1547-AT-CCB
12 TRYSTAR ENTERPRISES,)
13 LLC,)
14 Defendant.) JURY TRIAL DEMANDED
15)
16)
17)
18)
19)
20)
21)
22)
23)
24)
25)

12 The Videoconference Deposition of
13)

14) Aaron Golaub
15)

16) (Taken by the Plaintiff)
17)

18) Taken Remotely via Zoom
19)

20) November 14, 2023
21)

22) Reported by: Christopher J. Tomko
23) Certified Court Reporter
24) Georgia
25) License No. 4802-6210-2922-0352

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Aaron Golaub on 11/14/2023

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2 COUNTY OF FULTON	2
3 VIDEOCONFERENCE DEPOSITION OF AARON GOLAUB	3 -- Interruption/Change/Cross-Talk
4	4 . . . Incomplete thought
5 Pursuant to Article 8.B of the RULES AND	5 (sic) Word/phrase written as said
6 REGULATIONS OF THE BOARD OF COURT REPORTING OF THE	6 (PH) Word spelled phonetically
7 JUDICIAL COUNCIL OF GEORGIA, I make the following	7
8 disclosure:	8
9 I am a Georgia Certified Court Reporter.	9
10 I am here as a representative of Huseby Global	10
11 Litigation.	11 - - -
12 Huseby Global Litigation was	12 The videoconference deposition of
13 contacted by the offices of Barrett & Farahany to	13 Aaron Golaub, taken by the Plaintiff,
14 provide court reporting services for this	14 remotely via Zoom, on the 14th day of
15 videoconference deposition. Huseby Global	15 November 2023, at 10:15 a.m., with the
16 Litigation will not be taking this	16 reading and signing of the deposition
17 videoconference deposition by O.C.G.A. 15-14-37	17 transcript being waived before Christopher
18 (a) and (b).	18 J. Tomko, Certified Verbatim Court Reporter
19	19 in and for the State of Georgia.
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9 Atlanta, Georgia 30353	9 Reporter's Certificate 45
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1 with respect to that incident.	1 He said, He called me the N-word.
2 And do you recall ever receiving that	2 I said, That's not good. So I said,
3 information?	3 Okay. What else?
4 A. Okay. I received a phone call from Mr.	4 He said, He threatened to shoot me in the
5 Aerts about an incident. Someone called him a racial	5 face.
6 slur, and he stated that he drives a red truck, so I	6 And I said, Well, you need to go file a
7 asked him to send me the photos of the truck so I can	7 police report.
8 identify who it is. I didn't recognize the truck.	8 And that's when I got on the phone. I
9 I reached out to my superiors. They said	9 called -- I didn't call Andrew. I called Andrew's
10 they know who it is, and then I called up Mr. Aerts.	10 boss and said, Hey, we cannot work with this
11 I asked him, Where are you?	11 conditions, someone calling my guy the N-word.
12 He said he's still in the same spot just	12 And he said, I'll take care of it.
13 sitting. Go -- I'm going to call John, and John's	13 And that was it.
14 going to drop you a pin for a location for you to	14 That guy was immediately fired that same
15 move from that location.	15 day after that situation. Mike left and went to the
16 And I'm going to head there because I was	16 police station. He went to Opelika because that's
17 anywhere from 40 minutes to an hour out from where --	17 where we was.
18 the location. So they went ahead and -- I guess, he	18 Opelika said, No. He has to go to
19 went ahead and leave the location where the incident	19 Tuskegee, which is around 40 minutes' drive to an
20 happened.	20 hour -- 45 -- it depends on traffic.
21 So while he was driving, he called me	21 He reached -- when he got there, he
22 back, and he was explaining how the guy hit the truck	22 called me and said, I do not know the person's name.
23 and -- but there's no damage.	23 So I called Andrew. Andrew gave us the
24 Then I asked him, Where did he hit it?	24 name to give to Mr. Aerts while filing the report.
25 What did he use to hit the truck?	25 He asked me for the name of the company, which I
Page 11	Page 13
1 He said, He punched it.	1 don't remember. I gave him the name. He asked me
2 And I said, Okay. Don't worry about it.	2 for the address of the business.
3 Just meet John, and I will be there.	3 (Reporter asked for clarification.)
4 So I was on my way there when Andrew	4 THE WITNESS: Supervisors don't get
5 Thompson, which is the supervisor, called me.	5 information about the business.
6 He said, You need to hurry up and get	6 (Reporter asked for clarification.)
7 here.	7 THE WITNESS: Correct, and I stated, I
8 And I asked him, What's going on?	8 don't have it. Andrew was working and
9 He said, Because Mike won't leave this	9 trying to get the address and any
10 guy Lee alone.	10 information we can get on this guy to give
11 And I said, I thought they moved.	11 to him while he was at the police station.
12 He said, Yeah. Lee was dropping off some	12 So we got him the name, and I think John
13 cable or something out there -- sorry -- at the	13 sent him the tag of the vehicle he was
14 location that John and Andrew and Mike was.	14 driving.
15 So I told him, I'm getting off the exit,	15 So it took him around -- he was left
16 so I should be there in less than 60 seconds.	16 for a couple of hours to file his police
17 I got there. I called Mike. I said, You	17 report.
18 need to stop putting fuel to the fire. Let's go.	18 On his way back, he said, I'll file a
19 He said -- he turned and said, He just	19 report. He should have it in a week or so.
20 needs to apologize for what he said.	20 He can pick up a copy.
21 And I'm like, Let's go. We're down here.	21 And I said, Okay.
22 We're working. Let's move to the cabinet so we can	22 We got back to the same location where
23 sort this out. Now, we eventually moved from that	23 we meet after the incident because it was
24 location and -- somewhere where we can talk and get a	24 closer -- it's like an in-between meeting
25 full understanding of what was going on.	25 location to the hotel.

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<p>1 And I -- we're talking, and I said, 2 Hey, how you feeling? You okay? You good? 3 He said, Yeah, I'm good. I wish he 4 would have just apologized, and I would 5 have dropped this.</p> <p>6 I said, Well, you know, there's not 7 much I can do or nothing, but if there's 8 anything I can do to make you feel any 9 different.</p> <p>10 He said, No. We're good. Let's just 11 go to the hotel.</p> <p>12 He had some beer in the fridge. He's 13 going to go ahead and -- he's going to call 14 it a day.</p> <p>15 I said, Okay.</p> <p>16 And we left it at that and moved on.</p> <p>17 BY MR. ROBERTS:</p> <p>18 Q. Let me show you a document and ask you a 19 couple questions. One second.</p> <p>20 A. Yes, sir.</p> <p>21 (An item was displayed for all parties to 22 view.)</p> <p>23 BY MR. ROBERTS:</p> <p>24 Q. So this is a document that was produced 25 by your employer -- or not -- by you -- your company</p>	<p>1 Q. Okay. And you're basing that on what 2 Angel (sic) Thompson told you; is that correct? 3 A. Correct.</p> <p>4 Q. Okay. And Angel Thompson works for 5 the -- well, how do you pronounce it -- Comtrac -- 6 with --</p> <p>7 (Cross-talk.)</p> <p>8 THE WITNESS: Comtrac.</p> <p>9 (Cross-talk.)</p> <p>10 BY MR. ROBERTS:</p> <p>11 Q. Go ahead.</p> <p>12 A. Yeah. Andrew Thompson. He's the field 13 supervisor at that time on-site.</p> <p>14 Q. Okay. And he's employed by Comtrac?</p> <p>15 A. Correct.</p> <p>16 Q. Okay. And this other company that Lee 17 worked for -- that Lee owned, that was someone that 18 does fiber splicing as well?</p> <p>19 A. No. As far as I know, he is an aerial 20 construction company.</p> <p>21 Q. And what company is that?</p> <p>22 A. I don't recall the name of his company. 23 But we know he does aerial construction. It's a 24 large project. We don't know everyone.</p> <p>25 Q. Yeah.</p>
<p>1 in this case.</p> <p>2 Have you seen this before?</p> <p>3 A. That's the written statement. Let's see. 4 John Gardner.</p> <p>5 Q. Okay. And obviously, this was done -- 6 this was an e-mail that was sent during this 7 litigation back in --</p> <p>8 A. Correct.</p> <p>9 Q. -- earlier this year; is that correct?</p> <p>10 A. A detailed information of what happened.</p> <p>11 Q. Okay. And do you see in the sentence -- 12 it reads: The owner of the other company, Lee, was 13 trying to explain the miscommunication, so Lee was 14 the person that is accused of calling Mr. Aerts a 15 racial slur; is that correct?</p> <p>16 A. Correct.</p> <p>17 Q. And Lee was the owner of that business?</p> <p>18 A. As far as I know, he is. I have no 19 communication with him.</p> <p>20 Q. Okay. How is it he was fired? Are you 21 saying his company was fired from the jobsite?</p> <p>22 A. His company was terminated -- his 23 contract -- because of the racial slur that Michael 24 Aerts said he -- what he called him, and the company 25 was terminated that same day.</p>	<p>1 And then if we go forward, Mr. Aerts was 2 terminated on September the 1st; is that correct? 3 A. Correct. He received a notice of 4 termination on that day.</p> <p>5 Q. Okay. And what was the first day that 6 you discussed terminating Mr. Aerts' employment with 7 Mr. Shaw?</p> <p>8 A. A few days before.</p> <p>9 Q. Okay. And is that -- and is a few days 10 before the termination the first time you discussed 11 terminating Mr. Aerts' employment with anybody?</p> <p>12 A. We -- I spoke to John previously about 13 his training, and -- but I never spoke to John fully 14 about when or what, so John was his immediate 15 supervisor, so I would take the information John gave 16 me, and then I sum it all up.</p> <p>17 Q. Okay. And did you consult with Mr. 18 Gardner about terminating Mr. Aerts?</p> <p>19 A. On that day?</p> <p>20 Q. At any point.</p> <p>21 A. Previously.</p> <p>22 Q. Did you tell Mr. Gardner that you were 23 going to terminate Mr. Aerts?</p> <p>24 A. Didn't directly tell him that I'm going 25 to terminate him. We spoke about his performance.</p>

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<p style="text-align: right;">Page 18</p> <p>1 Q. Okay. What day did you speak about his 2 performance?</p> <p>3 A. It's -- one of the first times we would 4 speak about his performance is somewhere around in 5 the -- around a week, we had another conversation 6 about his performance. A week prior to termination, 7 we had spoken about performance.</p> <p>8 Q. Okay. So the first time there was a 9 discussion regarding Mr. Aerts' job performance was a 10 week before his termination?</p> <p>11 A. Not that -- no. Not the first time. 12 But when it's gotten -- so I took over 13 training Mr. Aerts because he wasn't performing.</p> <p>14 Q. Okay. When did you take over training of 15 Mr. Aerts?</p> <p>16 A. So me and Mr. Aerts start around -- I 17 would say probably the 6th of August, I started -- we 18 gave him a vehicle and a stopwatch, and I -- 19 throughout the day, I will go and help, so -- and 20 that's how everything went.</p> <p>21 Q. And is your testimony that you did not 22 inform Mr. Gardner that you were letting Mr. Aerts go 23 until after you had terminated Mr. Aerts?</p> <p>24 A. Correct. So I didn't tell him I was 25 terminating Mr. Aerts that day, when he was</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. Okay. And if we look here, it says, On 2 September the 1st at 8:27 a.m., They fired ya boy. 3 Didn't give me a reason.</p> <p>4 Did I read that correctly?</p> <p>5 A. No, I don't see where they said, They 6 fired your boy.</p> <p>7 Oh, sorry. I see it. And yes, they --</p> <p>8 Q. If we go back, we have John Gardner 9 responding, What the fuck? For real?</p> <p>10 A. Yeah.</p> <p>11 Q. I'm shortening the what the fuck with 12 WTF; is that correct?</p> <p>13 A. Correct.</p> <p>14 Q. Okay. And then below that, it says, 15 Yeah. Couldn't give me a reason. Then Aaron had 16 George fire me, not himself.</p> <p>17 And then if we go below that, and then it 18 says, Damn, bro. You told him there was no 19 improvement.</p> <p>20 You understand that, on September the 21 1st, there was later an e-mail sent to Mr. Aerts, 22 which gives an alleged reason for terminating him?</p> <p>23 A. I don't -- an e-mail? No. I don't have 24 that conversation.</p> <p>25 Q. Give me one second.</p>
<p style="text-align: right;">Page 19</p> <p>1 terminated.</p> <p>2 Q. Let me show you another document and ask 3 you some questions.</p> <p>4 MR. SMITH: Are you marking that 5 document, Severin?</p> <p>6 MR. ROBERTS: No.</p> <p>7 (An item was displayed for all parties to 8 view.)</p> <p>9 BY MR. ROBERTS:</p> <p>10 Q. Okay. Can you see this okay, sir?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. I take it you've seen these text 13 messages before, haven't you?</p> <p>14 A. Correct.</p> <p>15 Q. I take you've --</p> <p>16 A. Yes.</p> <p>17 Q. -- seen them in the last week, haven't 18 you?</p> <p>19 A. Correct.</p> <p>20 Q. Yeah.</p> <p>21 And in these text messages, the Bates 22 stamp is Aerts' 31 and 32.</p> <p>23 You understand that these are text 24 messages between John Gardner and Michael Aerts?</p> <p>25 A. Correct.</p>	<p style="text-align: right;">Page 21</p> <p>1 (An item was displayed for all parties to 2 view.)</p> <p>3 BY MR. ROBERTS:</p> <p>4 Q. Okay. Can you see this?</p> <p>5 A. (Witness reviewed document.)</p> <p>6 Yeah. Termination letter.</p> <p>7 Q. Yeah.</p> <p>8 And the date of this is -- and I'm 9 willing to -- I'm marking this as an exhibit.</p> <p>10 This is an e-mail that was sent to 11 Michael Aerts at 1:57 p.m. on September the 1st of 12 2022; is that correct?</p> <p>13 A. Correct.</p> <p>14 Q. And it says, We have unfortunately 15 decided to end your tenure with Trystar. This is due 16 to lack of improvement in your training. Secondly, 17 the lack of dependability, which has caused the 18 company great inconvenience.</p> <p>19 Did I read that correctly?</p> <p>20 A. Correct.</p> <p>21 Q. And these are the alleged reasons for 22 which Trystar claims it then terminated Mr. Mike -- 23 Mr. Aerts?</p> <p>24 A. Yes, sir.</p> <p>25 Q. Okay. And if we go back where we were --</p>

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<p style="text-align: right;">Page 22</p> <p>1 I wanted to show you that. We'll go back to where we 2 were. One second.</p> <p>3 (An item was displayed for all parties to 4 view.)</p> <p>5 BY MR. ROBERTS:</p> <p>6 Q. If we go back here, it would appear that, 7 at 2:22 p.m., about 25 minutes after this e-mail, Mr. 8 Aerts reached back out to John Gardner.</p> <p>9 Does that look correct?</p> <p>10 A. Correct.</p> <p>11 Q. He says, Damn, bro. You told him there 12 was no improvement in my training?</p> <p>13 Did I read that correctly?</p> <p>14 A. Yes.</p> <p>15 Q. And then below that, Mr. Gardner 16 responds, I wasn't consulted in that decision 17 whatsoever.</p> <p>18 Did I read that correctly?</p> <p>19 A. Correct.</p> <p>20 Q. Okay. Is that a true -- is it fair to 21 say you didn't consult Mr. Gardner in any way?</p> <p>22 A. In the firing?</p> <p>23 Q. Sure.</p> <p>24 A. He was not consulted that day about 25 firing Mr. Aerts.</p>	<p style="text-align: right;">Page 24</p> <p>1 Q. Can you think of any other instance in 2 which you have fired someone on Mr. Gardner's team 3 without telling Mr. Gardner before making the 4 termination?</p> <p>5 A. He would be the first person.</p> <p>6 Q. Mr. Aerts would be the first time you've 7 done that?</p> <p>8 A. Yeah. We -- our splicers don't really 9 quit. They last long -- or we don't have to fire. 10 He was in training.</p> <p>11 Q. Okay.</p> <p>12 A. And he was just not grasping the work.</p> <p>13 Q. Okay. How many splicers have you 14 terminated in the last two years?</p> <p>15 A. Two years? Probably two that I can 16 remember.</p> <p>17 Q. Okay. And how many splicers had you 18 fired during that time period?</p> <p>19 A. I'm not sure.</p> <p>20 Q. Okay. But again, you've never -- there's 21 -- you cannot think of a single incident other than 22 Mr. Aerts in which you have terminated someone on Mr. 23 Gardner's team without first telling Mr. Gardner 24 you're going to make the termination?</p> <p>25 MR. SMITH: Objection to form.</p>
<p style="text-align: right;">Page 23</p> <p>1 Q. Was he ever consulted?</p> <p>2 A. We communicated about his performance 3 numerous times.</p> <p>4 Q. Okay. Tell me --</p> <p>5 A. So I --</p> <p>6 Q. I mean, so -- just so you understand, 7 you've been asked to identify -- you're now -- you've 8 been designated to speak on behalf of the company 9 with respect to two different topics in our 10 deposition notice today.</p> <p>11 A. Correct.</p> <p>12 Q. One of those topics -- and let's do this. 13 Before we get to that, what are the dates 14 that you claim you talked to Mr. Gardner about Mr. 15 Aerts' performance?</p> <p>16 A. I don't have the specific dates because 17 we speak almost every evening about issues goes (sic) 18 on in the field and performance, then how's (sic) 19 everyone is doing. So Mr. Gardner was off when Mike 20 was fired.</p> <p>21 Q. Is it normal for you to fire people on 22 someone's team without telling their supervisor?</p> <p>23 A. It's our team. It's -- I did it. I'm 24 the one who makes the final decision as firing. John 25 is the field supervisor, immediate field supervisor.</p>	<p style="text-align: right;">Page 25</p> <p>1 BY MR. ROBERTS:</p> <p>2 Q. You can answer.</p> <p>3 A. I didn't hear you.</p> <p>4 Q. You cannot identify a single incident in 5 which you fired someone on Mr. Gardner's team without 6 first telling him you were going to do so, apart from 7 Mr. Aerts?</p> <p>8 MR. SMITH: Same objection.</p> <p>9 THE WITNESS: I -- I --</p> <p>10 BY MR. ROBERTS:</p> <p>11 Q. You can answer. There's nothing -- 12 anytime that he can land an objection -- but you're 13 still required to answer the question.</p> <p>14 So you can answer it.</p> <p>15 A. I wouldn't say Mr. Gardner's team. It's 16 the company.</p> <p>17 Q. I hear you.</p> <p>18 A. Mr. Gardner --</p> <p>19 Q. Okay. I'm simply asking -- you've 20 already answered it. I just want it very clear.</p> <p>21 There is not another incident in which 22 you have fired someone that was on the team that Mr. 23 Gardner is on without first telling Mr. Gardner that 24 that was going to happen, except --</p> <p>25 A. No. I've not -- or fired anyone before</p>

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<p>1 because Mr. Gardner had just started supervising the 2 team.</p> <p>3 Q. Okay. When did Mr. Gardner start 4 supervising the team?</p> <p>5 A. It was the project. He was the project 6 lead for that project when we started it. I can't 7 remember the date when we started it, but he was the 8 project lead on that, so I was on it also, working.</p> <p>9 Q. Okay. And then we looked at just a 10 little while an e-mail that was sent to Mr. Aerts on 11 September 1st at 1:57 p.m.</p> <p>12 Do you recall --</p> <p>13 A. Correct.</p> <p>14 Q. Right?</p> <p>15 Mr. Aerts was an hourly, apprentice-level 16 worker; is that correct?</p> <p>17 A. Correct. He's a apprentice.</p> <p>18 Q. Is your company in the business of 19 providing e-mails to terminate people and giving them 20 reasons in the e-mail?</p> <p>21 MR. SMITH: Objection to form.</p> <p>22 BY MR. ROBERTS:</p> <p>23 Q. You can answer.</p> <p>24 A. Repeat your question.</p> <p>25 Q. It seems to me very bizarre that an</p>	<p>1 A. I would have to check with the office to 2 verify those because I don't --</p> <p>3 Q. But you can supplement for -- you can 4 identify people that have been given reasons for 5 their termination in e-mails?</p> <p>6 You can find that information; correct?</p> <p>7 A. Yeah. We should be able to.</p> <p>8 Q. Okay. So with respect to the reasons for 9 Mr. Aaron's termination.</p> <p>10 Let me do this. Give me one second.</p> <p>11 (An item was displayed for all parties to 12 view.)</p> <p>13 BY MR. ROBERTS:</p> <p>14 Q. I asked you a little while ago whether 15 the -- was put in this e-mail here, this September 16 1st e-mail that identifies purported reasons for the 17 -- this termination.</p> <p>18 You've stated this is -- this accurately 19 describes what you consider to be the reasons for Mr. 20 Aerts' termination; is that correct?</p> <p>21 A. Correct.</p> <p>22 Q. Okay. So looking at lack of improvement 23 in training.</p> <p>24 Did you ever speak to Mr. Aerts about a 25 lack of improvement in his training before firing</p>
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<p>1 hourly apprentice was given an e-mail letting him -- 2 giving him reasons for his termination.</p> <p>3 So what I'm asking you is: Can you think 4 of any other incident in which you as -- your 5 business -- has e-mailed an apprentice worker with 6 reasons for their termination?</p> <p>7 A. Everyone we -- as far as we know, we have 8 to give someone a reason why we're terminating them, 9 and that was his reason.</p> <p>10 Q. I'm talking about the concept of 11 e-mailing that to them.</p> <p>12 Why did you send an e-mail to Mr. Aerts?</p> <p>13 A. When someone quits, you give them -- you 14 give them a termination letter.</p> <p>15 Q. Can you identify any other people that 16 have received an e-mail giving them reasons for their 17 termination?</p> <p>18 A. I would have to check that with the 19 office because I'm pretty sure we e-mail everyone 20 that term- -- was terminated.</p> <p>21 Q. Okay. As you sit here today, can you 22 identify an e-mail?</p> <p>23 A. I can't recall all of the e-mails that 24 goes out.</p> <p>25 Q. Okay.</p>	<p>1 him?</p> <p>2 A. We speak multiple times about his 3 training, and he -- you know, he -- it -- 4 (Reporter asked for clarification.)</p> <p>5 BY MR. ROBERTS:</p> <p>6 Q. You muted yourself.</p> <p>7 Okay?</p> <p>8 A. Can you hear me?</p> <p>9 Q. Yes.</p> <p>10 A. Okay. We spoke verbally multiple times 11 about his training. We're a small company. We don't 12 really have the resource to write up every incident 13 that happened, but we speak numerous times about --</p> <p>14 Q. So when did you --</p> <p>15 A. -- about --</p> <p>16 Q. What dates did you speak with Mr. Aerts?</p> <p>17 A. So around -- I would say -- a date around 18 the 4th or the 5th of August. I would speak to him 19 about previous mistakes he made the day before on a 20 location he was, and then he went ahead and made the 21 same mistake again, and he actually wrote it -- wrote 22 me a message saying I know I effed up again.</p> <p>23 So -- and I said to him, John spoke to 24 you about it, so that's it. I'll -- John will take 25 care of the situation because I was in a different</p>

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1 market at the time. 2 Q. Okay. Apart from that, any other times 3 in which you spoke with Mr. Aerts regarding -- 4 A. Yes. After that incident, he constantly 5 making the same mistakes over and over. We're like, 6 What's going on? 7 So I started the training in the last few 8 -- I would say few weeks of his term. Up to his 9 termination, he was working with me directly, 10 training, and he keep making the same mistakes over 11 and over. 12 I'm like, Mike, come on. I'm teaching 13 you this stuff today. And tomorrow, you come; you 14 forget it. What's on your mind? This job is very 15 important because we have to meet our -- we have 16 deadlines, and we have to be prompt. 17 When someone told us to be on-site at a 18 certain time, we have to be there. We have to get 19 the job done. So you have to be disciplined to be 20 able to perform this job. 21 Q. Which job are you referring to? 22 A. Splicing. Because I was training him to 23 see -- hopefully he gets better at it. 24 Q. When using the term this is an important 25 job, what --	1 And it's basically saying, Hey, at this location, 2 we're going to splice fiber 4 two fiber 144. 3 So you have to learn the different counts 4 and the different colors. And when we give him 5 instructions -- we gave him charts and stuff -- he 6 keep making mistakes because he would not look at 7 charts. 8 Basically, he's doing what he's doing, 9 and if you splice the wrong fiber to the wrong 10 customer, then we have an issue. The network won't 11 work, and it'll take us hours to track down the 12 mistake because we're dealing with miles of cable. 13 So we have to start from the main hub and try to 14 troubleshoot it back, and that's where he was lacking 15 performance and not receiving the training that both 16 me and John was giving him because he was -- he keep 17 making the same mistakes over and over again. 18 Q. Okay. And with respect to this, quote, 19 Lack of dependability, what do you mean by that? 20 A. Well, lack of dependability -- he always 21 has something going on -- calling out. 22 Q. Okay. So what -- 23 A. Like, he was supposed to -- 24 (Cross-talk.) 25 THE WITNESS: Go ahead.
1 A. The splicing is a very important job 2 because we deal with network. So when we take 3 someone's network down, we have to put it back in a 4 time -- in a timely manner. So that's what we do. 5 Q. Okay. 6 A. We splice, and we build networks. 7 Q. And Mr. Golaub, please, when I'm -- make 8 sure I get to ask the full question before you 9 answer -- that the court reporter has a terrible time 10 when we interrupt each other. I'm trying not to 11 interrupt you, and -- 12 A. All right. Unless you're getting -- 13 Q. I know, again, you're not trying to do 14 anything. I'm just trying to make sure we -- let me 15 finish the question before you start answering. 16 A. Okay. 17 Q. Okay. So let's break that apart. 18 What are the issues -- what specifically 19 -- I want to know the issues he was having with 20 improving in training specifically? 21 A. Okay. Specifics is we deal with colors 22 and numbers. So when we send you to a location, it's 23 -- I -- it's best way I can explain it -- I don't 24 know if it makes sense to you because you're not in 25 this field -- is we send you to splice two cables.	1 BY MR. ROBERTS: 2 Q. Let me finish the question before you 3 answer it, please. 4 What dates did he call out? 5 A. So he called out on the -- let me look at 6 my calendar. 7 So August, he called out at -- that's 23. 8 In there -- in the e-mail where he keeps texting me, 9 asking for days off, so. 10 August 8th, he was supposed to show up at 11 work. He didn't show up. 12 August 9th, he didn't show up. He asked 13 some more time off. 14 Q. So you're looking at -- what notes are 15 you looking at? 16 A. I'm looking at my calendar. 17 (Witness indicating.) 18 Q. Okay. Do you have specific notes you put 19 in there to help you with your deposition today? 20 A. No. I just know the dates because they 21 were in the text message that you have. 22 Q. Okay. So you're saying he called out on 23 August 8th and 9th? 24 A. Correct. 25 Q. Okay. What other dates?

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<p>1 A. And there is two more times he called 2 out -- something to -- he had an emergency. He 3 always having emergency, so he barely work a full 4 week because he's -- there's always something.</p> <p>5 Q. And then --</p> <p>6 A. But that's --</p> <p>7 Q. Did you ask him to go to a jobsite in 8 South Carolina somewhere around August the 16th?</p> <p>9 A. No. Not ask him to go to a job. He was 10 already. When we worked in a -- the training is 11 basically in the southeast. So we training all 12 markets. We move from markets to markets.</p> <p>13 So I didn't say, Hey, you need to go to 14 South Carolina.</p> <p>15 Q. You deny asking Mr. Aerts to go to a 16 jobsite in South Carolina?</p> <p>17 A. Yes. I didn't ask him that week because 18 he wasn't ready to -- he only could rode -- travel 19 with me and John, so wherever me and John worked, 20 that's where he works.</p> <p>21 Q. And so you never asked Mr. Aerts to go to 22 a jobsite in South Carolina?</p> <p>23 A. I never asked him to go down to South 24 Carolina. We spoke about all the different markets. 25 We will start in Opelika, and then we went to</p>	<p>1 MR. ROBERTS: He's already testified 2 to that.</p> <p>3 BY MR. ROBERTS:</p> <p>4 Q. Back in August of 2022, did you have any 5 need to send help to the South Carolina jobsite?</p> <p>6 A. No.</p> <p>7 Q. Okay.</p> <p>8 A. No, sir.</p> <p>9 Q. Okay. And you did not ask Mr. Aerts to 10 go to the South Carolina jobsite?</p> <p>11 A. No, sir. Not in August --</p> <p>12 Q. So what happened?</p> <p>13 A. -- or ever.</p> <p>14 Q. Okay.</p> <p>15 A. We spoke about all the different markets.</p> <p>16 Q. Okay. But for clarity, at no point did 17 you ever ask Mr. Aerts to go to the South Carolina 18 jobsite; is that correct?</p> <p>19 A. We spoke about all the markets we worked 20 in.</p> <p>21 So I've never asked him specifically, I 22 need you to go to South Carolina.</p> <p>23 No. Because he would have to travel with 24 me or John if I do that because we never needed help.</p> <p>25 Q. Okay. And where was that South Carolina</p>
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<p>1 Savannah, but he would always -- John and I had 2 stopped working in South Carolina months before.</p> <p>3 Q. Okay. So did you not have a job starting 4 in South Carolina at that time?</p> <p>5 A. We do have a jobsite there, but there is 6 someone there taking care of it, and if they ever 7 need help, they would call us, and we'll go in and 8 help.</p> <p>9 Q. And did you need help at that job --</p> <p>10 South Carolina jobsite at that time back in --</p> <p>11 A. No. We never did.</p> <p>12 (Reporter asked for clarification and 13 reminded the parties to speak one at a time.)</p> <p>14 THE WITNESS: I am waiting. He's 15 paused. He's paused, so I'm not sure -- so 16 that's why I keep saying I'm cutting him 17 off.</p> <p>18 BY MR. ROBERTS:</p> <p>19 Q. I'll repeat the question, Mr. Golaub.</p> <p>20 A. Yeah.</p> <p>21 Q. So in August of '22, last year, you did 22 not have any need to send help to the South Carolina 23 jobsite?</p> <p>24 MR. SMITH: Objection to form.</p> <p>25 THE WITNESS: No, sir.</p>	<p>1 jobsite?</p> <p>2 A. It's somewhere in the South Carolina and 3 Georgia border. Rocks Hill (PH)? Greensboro (PH)? 4 Somewhere. It's a long road they're working a long 5 stretch of, so I don't have a specific address.</p> <p>6 Q. And take me through when you decided to 7 -- first, let me break this apart.</p> <p>8 You decided to terminate Mr. Aerts a few 9 days before you actually terminated him; is that 10 correct?</p> <p>11 A. Correct. I thought about it. He's a 12 very good, fast talker.</p> <p>13 He's like, I can do this. I can do 14 better and stuff like that.</p> <p>15 And I was like, Okay. Mike, let's -- you 16 know -- we're going down to Savannah. I'll meet you 17 there.</p> <p>18 And we were supposed to meet at 7:00 a.m. 19 He didn't -- he called me after 1:00.</p> <p>20 Said, Mike, Can't help you.</p> <p>21 I mean, you were supposed to be here 22 earlier because you knew the situation.</p> <p>23 He said, Yeah, but I'm urgent stuff 24 (sic).</p> <p>25 I said, Okay. Go ahead.</p>

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1	Q. And so then when you decided -- first	1 written documentation that you counseled Mr. Aerts
2	off, is it your position that you made the decision	2 prior to his termination?
3	to terminate Mr. Aerts?	3 A. Only verbal. (Reporter asked for clarification.)
4	A. Yes. So I made the decision, and I	5 MR. ROBERTS: He said only verbal, but
5	called my business partner and informed him that he	6 maybe -- let me ask it again.
6	needs to receive the van. In this business, our	7 BY MR. ROBERTS:
7	peoples (sic) steal your tools, and stuff. So we	8 Q. Mr. Golaub, there isn't any documentation
8	want to make sure we get back all of our stuff. And	9 of you counseling Mr. Aerts on his job performance,
9	we fired him at the office because it's a lot of very	10 is there?
10	expensive tools in that truck.	11 MR. SMITH: Objection to form.
11	Q. And you were there when Mr. Aerts was	12 BY MR. ROBERTS:
12	terminated?	13 Q. But you can answer the question.
13	A. No. I was not present.	14 A. Okay. Only verbal because there -- also,
14	Q. You were not physically there?	15 it was done in the field verbally.
15	A. No, I was not.	16 Q. Uh-huh.
16	Q. Why were you not there?	17 And I believe you said you're a small
17	A. I was driving back to town.	18 business, earlier, that doesn't document well or
18	Q. So you asked Mr. Shaw to perform the	19 something like that?
19	termination; is that correct?	20 A. No. I didn't say doesn't document well.
20	A. Correct.	21 I said, you don't have the resource sometimes to
21	Q. Okay. And you did that despite the fact	22 print write-ups in the field, so we do it verbally.
22	that you were the one with more information as to why	23 Q. But you did have the resources to e-mail
23	you're saying it was being done?	24 an hourly worker with multiple reasons for his
24	A. Yes. He was following my instruction.	25 alleged -- multiple alleged reasons for his
25	Q. Okay. Why didn't you sit down with Mr.	
Page 39		Page 41
1	Aerts to let him know he was being fired?	1 termination; right?
2	A. I wasn't in town at the moment, and we	2 MR. SMITH: Objection to form.
3	wanted to get it out the way because we had just	3 BY MR. ROBERTS:
4	finished the project, and I was driving back, and I	4 Q. Anytime there's -- you can still answer
5	stopped to rest.	5 the question, Mr. Golaub.
6	Q. How far away from the place in which he	6 A. I'll pass.
7	was fired -- how far away from the termination	7 Q. You had time to send an e-mail to an
8	location were you?	8 hourly worker with multiple reasons for terminating
9	A. En route, five hours.	9 him; is that correct?
10	Q. Okay. When you say you began working	10 MR. SMITH: Again. Same objection.
11	more closely with -- and I heard it. You began	11 BY MR. ROBERTS:
12	working more closely with Mr. Aerts in August of	12 Q. It's a very simple question, Mr. Golaub.
13	2022; is that correct?	13 Your company elected to send an e-mail to
14	A. Can you repeat your --	14 an apprentice-level splicer, identifying multiple
15	Q. Did you begin working more closely with	15 reasons for why he was being terminated; is that
16	Mr. Aerts yourself in August of '22?	16 correct?
17	A. Correct.	17 MR. SMITH: Same objection.
18	Q. Okay. In the month of August, how many	18 You can answer, Aaron, if you can
19	days did you actually work on-site with Mr. Aerts?	19 answer.
20	A. I was pretty much -- it's hard to say	20 THE WITNESS: Yes.
21	because I was there most of the time. I would say	21 BY MR. ROBERTS:
22	because I was the one checking his work daily. After	22 Q. I don't think I have anything further.
23	he -- we assigned him a task, if I don't get to check	23 Give me just a second.
24	it the same day, I'll check it the following day.	24 No. I don't have anything further.
25	Q. And of course, there's not any kind of	25 Thank you.

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1	MR. SMITH: No questions.	1		CERTIFICATE	
2	(Reporter asked for clarification.)	2		2	State of Georgia
3	MR. ROBERTS: There are two exhibits.	3		3	COUNTY OF FULTON
4	We have -- Exhibit 1 will be the e-mail	4		I, Christopher J. Tomko, Certified Court	
5	from September the 1st, 2022. That is the	5		Reporter, certify that the foregoing transcript is	
6	note -- the termination e-mail.	6		a true, correct, and complete record of the	
7	And then the Exhibit 2 will be the	7		testimony given by the deponent, Aaron Golaub, who	
8	text messages between John Gardner and the	8		was first duly sworn by me; that I am not a	
9	plaintiff, Michael Aerts.	9		relative, employee, attorney, or counsel of any of	
10	(Plaintiff's Exhibit Nos. 1 and 2 were	10		the parties; nor financially interested in the	
11	marked for identification.)	11		action; that the said deponent and counsel in the	
12	MR. SMITH: Counsel, can we identify	12		presence of each other and before me and waived the	
13	them by Bates number?	13		reading and signing of the deposition; and the	
14	MR. ROBERTS: Well, I don't actually	14		original deposition under seal shall be filed with	
15	think you have Bates numbers on your	15		the court by the attorney taking the deposition.	
16	documents, which we let you do. My	16		This certificate is expressly withdrawn	
17	apologies.	17		and denied upon disassembly and/or photocopying of	
18	MR. SMITH: They are.	18		the foregoing transcript, or any portion thereof,	
19	MR. ROBERTS: The number -- the	19		unless such disassembly or photocopying is done by	
20	termination e-mail is Number 11 -- Page 11,	20		the undersigned Certified Court Reporter and	
21	defendant's production.	21		original signature and official seal is attached	
22	And then the Gardner text messages	22		hereto.	
23	were produced by the plaintiff rather than	23		WITNESS my hand and seal at FULTON County,	
24	the defendant, and those are Aerts' 31 and	24		GEORGIA, this, the 14th day of NOVEMBER 2023.	
25	-- through -3, I believe.	25			
				Christopher J. Tomko	
				Certified Court Reporter	
				Georgia License No. 4802-6210-2922-0352	

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